

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**SUN LIFE ASSURANCE)
COMPANY OF CANADA,)**

Plaintiff)

VS.

CATHY P. HOLMAN, et al.,)

Defendants)

Case No. 5:11-CV-363-HGD

ORDER

On November 3, 2011, the magistrate judge's report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by either the plaintiff or the defendants.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge, and it is, therefore,

DONE and ORDERED, ADJUDGED and DECREED that:

1. Sun Life Assurance Company of Canada's Motion to Dismiss the Counterclaim of Defendant Ella R. Holman (Doc. 11) is due to be and hereby is **GRANTED**, and the counterclaim of Ella R. Holman against Sun Life Assurance Company of Canada is **DISMISSED WITH PREJUDICE**.
2. Sun Life Assurance Company of Canada's Motion for Entry of Final Decree of Interpleader (Doc. 14) is due to be and hereby is **GRANTED**, and a separate Final Decree of Interpleader will be entered contemporaneously herewith.
3. The parties are **REALIGNED** with Cathy P. Holman as plaintiff and Ella R. Holman as defendant.
4. This matter is **REFERRED** back to the magistrate judge for further action regarding the proper beneficiary of the remaining policy proceeds.

DONE this the 26th day of January, 2012.



VIRGINIA EMERSON HOPKINS

United States District Judge